IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Crl.MC.No. 516 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.4256/2006

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PETITIONER: PETITIONERS

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1. E.V.SUBAIR, AGED 36,
   S/O BAVA, EKKURATHU VALAPPIL HOUSE,
   CHUNKAM, EDAPPAL.

2. E.V.MUHAMMEDALI, AGED 46 YEARS,
   S/O BAVA, EKKURATHU VALAPPIL HOUSE,
   CHUNKAM, EDAPPAL.

3. MUHAMMED ASHARAF, AGED 38 YEARS,
   S/O MUHAMMAD, KAVUNGAL VALAPPIL HOUSE,
   EDAPPAL.

BY ADV. SRI.TOM K.THOMAS

RESPONDENT/RESPONDENT:

THE SUB INSPECTOR OF POLICE,
PATTAMBI POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 516 OF 2007

Dated this the 7th day of March, 2007

ORDER

The petitioners facing the allegations under Sec.489B of the IPC were released on bail subject to conditions as per the orders dated 2/8/06 and 14/8/06. One of the conditions imposed on them which is now in force is that they must report before the Investigating Officer on one day of every month until the trial and disposal of the sessions case.

2. Investigation is not complete yet. Final report has not been filed. The learned counsel for the petitioners submits that the indefinite continuance of the said condition is working out prejudice, hardship and failure of justice against the petitioners. The petitioners shall appear before the Investigating Officer as and when directed by the Investigating Officer. They shall also furnish the address of their place of residence and change of address from time to time. But unnecessary insistence on monthly visits to the Investigating Officer may, in these circumstances, be

avoided, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor opposes this application. The allegations are serious. It is necessary to permit continuance of that condition in the interests of justice. At any rate, the condition may be permitted to remain in force for a further period of three months by which time the police expect to make further progress in the investigation.

4. I am satisfied, considering all the relevant inputs, that the condition can be deleted subject to appropriate safeguards.

5. In the result, this Crl.M.C. is allowed in part. The condition imposed on the petitioners that they must report before the Investigating Officer once in a month on the specified date shall continue to remain in force till 7/6/07. Thereafter, the petitioners need appear before the Investigating Officer as and when directed by the Investigating Officer in writing to do so. The petitioner shall furnish to the Investigating Officer on or before 7/6/07 the address of their place of residence and shall keep the Investigating Officer informed of any subsequent change of such address. They shall

not leave India until further orders without the prior permission of the court before which the proceedings against them are pending.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge